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Sent: 2/26/2016 7:21:11 PM
To: Johnson, KarenD [Johnson.KarenD@epa.gov]; Crumlish, Karen [Crumlish.Karen@epa.gov]
Subject: RE: FYI Inside EPA Article: EPA Faces Push To Broadly Apply Stricter PFOA Drinking Water Advisory

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I've asked Michelle to double check this embedded list. The Doylestown system Cross Keys is not on our pivot tables as having PFOA???

Michelle- can you double check this link shows that the Doylestown Borough at Cross Keys had PFOA at .204 ppb?? In 2014. Can you check for us. Thanks!

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EPA Faces Push To Broadly Apply Stricter PFOA Drinking Water Advisory

February 23, 2016

EPA is facing a push to immediately disclose and address elevated levels of perfluorooctanoic acid (PFOA) in affected communities across the country, following the agency's recent decision to tighten its unenforceable health advisory level that EPA is using for drinking water contaminated with PFOA in a New York community.

The call responds to EPA's decision in a Jan. 28 statement to advise residents of the Hoosick Falls, NY, community not to consume drinking water from private wells with levels of the perfluorinated chemical (PFC) PFOA above 100 parts per trillion (ppt), or 0.1 parts per billion (ppb). The agency said that at the New York site it is not waiting for finalization of its health advisory for chronic exposure of PFOA in drinking water before applying the 0.1 ppb value -- which is a more-stringent level than its existing short-term exposure advisory level of 0.4 ppb for the chemical.

An EPA Region 2 official has said the region, which includes New York, is in the early stages of an effort to identify other locations with similar drinking water contamination, and will likely apply the 0.1 ppb value at those sites.

New York officials have also called on EPA to nationally address PFOA contamination by lowering its health advisory for the chemical and expeditiously adopting an enforceable drinking water standard for it.

In response to the various EPA actions, Robert Bilott -- an attorney with the law firm Taft Stettinius & Hollister -- is asking EPA in a Feb. 16 letter to assess communities across the country with elevated levels of PFOA. Bilott has represented thousands of West Virginia and Ohio plaintiffs potentially exposed to PFCs in their drinking water from a West Virginia plant owned by DuPont.

Bilott points to EPA's Jan. 28 statement indicating the agency is continuing to work on a lifetime health advisory level for PFOA but is also now recommending applying a 0.1 ppb safety level for Hoosick Falls.

"Thus, at a minimum, it appears that EPA has revised its guideline for short-term, temporary exposures to PFOA in drinking water from 0.4 ppb to 0.1 ppb," Bilott says in the letter, addressed to EPA Administrator Gina McCarthy.

"What is not clear, however, is the extent to which members of the public exposed to levels of PFOA exceeding 0.1 ppb in different areas across the country (particularly those with long-term, 'lifetime' exposures) have been informed of those exposures or have seen the EPA's recommendation to use bottled water or some other alternative water source in those situations," Bilott writes.

Toxicity Data

The 0.1 ppb level stems from an EPA PFOA toxicity report that underwent external peer review in 2014 and identified a toxicity value for the chemical that would result in a lifetime health advisory of 0.1 ppb, an EPA spokeswoman told *Inside EPA* in a Jan. 29 statement. She stressed that EPA has not yet finalized the figure as its lifetime health advisory for the

chemical but decided to "share the best available science to protect public health" in the New York case and is using the figure "out of an abundance of caution."

Bilott points out his firm has been pressing EPA for nearly 15 years to address what he says is a substantial and imminent threat to human health and the environment posed by PFOA in drinking water supplies.

In the letter, he points to [a Nov. 9 letter](#) to EPA where he highlighted contaminant data stemming from EPA's third Unregulated Contaminant Monitoring Rule (UCMR) that shows the presence of PFOA exceeding the UCMR reporting level in a number of public water supplies. Under the third UCMR, EPA required public water systems to report from 2013 to 2015 on PFOA occurrences, among 29 other emerging contaminants, in drinking water above the minimum reporting level (MRL) of 0.02 micrograms/liter, which in this case is equivalent to 0.02 ppb.

The data indicates a number of locations with levels of PFOA exceeding 0.05 ppb -- a level at which an independent C-8 scientific advisory panel found probable links between PFOA, also known as C-8, and six adverse health impacts including kidney and testicular cancer as well as other conditions.

The law firm took EPA's raw data from the UCMR on PFOA to create [a list of public drinking water supplies](#) across the country that have reported levels of PFOA in their water during the 2013-2015 collection period. The list is attached to his letter, and shows some instances where the levels are between 0.4 ppb and 0.1 ppb -- the new figure EPA is now pointing to as a health advisory level for the New York site.

"As noted in our prior correspondence, we request that EPA take those steps necessary to immediately and properly disclose, investigate, and address elevated levels of PFOA in impacted communities, whether reflected in elevated drinking water exposures or elevated blood levels," Bilott says in the Feb. 16 letter.

An EPA spokesman did not respond by press time to questions about Bilott's request.

Consent Order

Bilott also contends EPA should revise a March 2009 consent order with DuPont to incorporate the new 0.1 ppb guideline for PFOA in drinking water, given there have been recent detections of PFOA exceeding that level in at least one community -- Vienna, WV -- affected by the order.

The 2009 consent order between EPA and DuPont, aimed at addressing drinking water contamination from DuPont's Washington Works plant in West Virginia, includes EPA's provisional health advisory of 0.4 ppb, requiring DuPont to provide clean water to the community if it is exceeded.

Bilott, on behalf of thousands of citizens living around the Washington Works plant, settled a class-action lawsuit against DuPont over PFOA exposures stemming from the plant, and is now prosecuting personal-injury cases filed by members of the class against the company, according to his law firm. -- *Suzanne Yohannan* (syohannan@iwpnews.com)